

**REMARKS****I. General**

Claims 1-47 were pending in the present application, and all of the pending claims are rejected in the current Office Action (mailed December 2, 2004). The outstanding issues raised in the current Office Action are:

- Claims 43-45 are objected to because of informalities, as needing to be renumbered as claims 45-47; and
- Claims 1-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,905,906 issued to Goffinet et al. (hereinafter "*Goffinet*") in view of U.S. Patent No. 6,668,319 issued to Newell, Jr. et al. (hereinafter "*Newell*").

In response, Applicant respectfully corrects the informalities and traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

**II. Amendments**

Claims 45-47 are amended herein to correct their claim numberings. That is, claims 45-47 were initially improperly numbered as claims 43-45, and thus these claims are objected to for this informality in the current Office Action. This informality is corrected herein. These amendments are intended to be merely cosmetic in nature, and are not intended to narrow the scope of the elements recited therein in any way. In view of these amendments, withdrawal of the objections raised in the current Office Action is respectfully requested.

**III. Rejections Under 35 U.S.C. § 103(a)**

Claims 1-47 are rejected under 35 U.S.C. § 103(a) under 35 U.S.C. § 103(a) as being unpatentable over *Goffinet* in view of *Newell*. Applicant respectfully asserts that *Newell* is not a valid prior art reference. As amended by the American Inventor's Protection Act of 1999 (the Act), signed on November 29, 1999, section 103(c) now states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102

of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Section 4807 of the Act further provides that this new provision applies to any application filed on or after the date of enactment, November 29, 1999. The present application was filed on June 4, 2001. Thus, the filing date of this application is after the effective date of the new law.

The Examiner will note that *Newell* and this application are assigned to the same entity. More specifically, *Newell* was filed April 4, 2000, and was originally assigned to Hewlett-Packard Company, *see* Reel/Frame 010938/0625 recorded June 26, 2000. The present application was filed June 4, 2001, and was originally assigned to Hewlett-Packard Company, *see* Reel/Frame 012152/0051 recorded September 6, 2001. Both *Newell* and the present application were later assigned to Hewlett-Packard Development Company, L.P., *see* Reel/Frame 014061/0492 recorded September 30, 2003. Thus, at the time the claimed invention of the present application was made, it was owned by the same entity or subject to an obligation of assignment to the same entity as *Newell*, i.e., Hewlett-Packard Company.

*Newell* was filed before, but did not issue until after the current application's filing date. Therefore, the disclosure of *Newell* is available only as 35 U.S.C. § 102(e)-type prior art. In that regard, 35 U.S.C. § 103(c) now provides that *Newell* "shall not preclude patentability" of the claimed invention.

Therefore, the above-rejection of claims 1-47 is improper and should be withdrawn.

#### **IV. Conclusion**

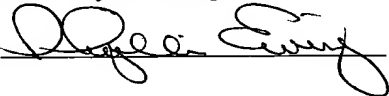
In view of the above, Applicant believes the pending application is in condition for allowance.

The required fee for this response is enclosed. If any additional fee is due, please charge Deposit Account No. 08-2025 under Order Number 10007421-1, from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482745145US in an envelope addressed to: M/S Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: January 14, 2005

Typed Name: Phyllis Ewing

Signature: 

Respectfully submitted,

By: 

Jody C. Bishop

Attorney/Agent for Applicant(s)

Reg. No. 44,034

Date: January 14, 2005

Telephone No. (214) 855-8007